

REMARKS

This is in full and timely response to the final Office Action mailed October 24, 2005, and the Advisory Action dated January 25, 2006. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Status of Claims

Claims 1, 3, 6, 8 and 12 are currently being amended.

Claim 2 is currently being canceled.

No claims are currently being added.

This amendment and reply amends and cancels claims in this application. A detailed listing of the presently pending claims is included, with status indicators provided beside each claim.

Claims 1 and 3-13 are now pending for further examination on the merits.

Rejections under 35 U.S.C. § 112, 2nd paragraph

Applicants appreciate the indication in the Advisory Action that the 35 U.S.C. § 112, 2nd paragraph, rejections, have been removed.

Rejections under 35 USC § 103

The rejection of the claims 1-13 in the final Office Action and in the Advisory Action as being unpatentable over Freeman et al. in view of Chintalapati et al. is respectfully traversed.

Presently pending independent claim 1 has been amended to recite that the step of communicating comprises:

having the licence controller update an inter-process communication of a process according to the use of the resource allowed for the process, and wherein the process provides periodic updates of the actual use of the resource by the process which are stored by the inter-process communication, and wherein, when the actual use

of the resource by the process exceeds the use of the resource allowed for the process, either or both of the process and the licence controller is capable of restraining the process from using the resource over the amount allowed for the process.

Such features, which allow either or both of the process and the licence controller to restrain access of resources to the process, and in which the process provides periodic updates of the actual use of the resource by the process which are stored by the inter-process communication, are not taught or suggested by Freeman et al. or by Chintalapati et al., alone or in combination.

Accordingly, presently pending independent claim 1 is patentable over the cited art of record.

Presently pending independent claim 8 has been amended in a manner similar to the amendments made to claim 1, and thus it is patentable for similar reasons as those provided above for claim 1.

Presently pending independent claim 6 has been amended to emphasize features shown in Figure 2, box 18 of the drawings, in which monitoring is performed to determine if at least one identical process is using a resource at a rate above or below a predetermined amount, and which limits resource allocation accordingly.

In particular, claim 6 has been amended to place that claim in independent form, and to further recite:

monitoring a use amount of the resource by each of said identical processes to determine if any of said identical processes are using the resource at a rate below a predetermined amount; and

if the monitoring is such that at least one of said identical processes is using the resource at a rate below the predetermined amount, updating the inter-process communication such that the at least one of said identical processes are provided with no allocation of the resource and the resource is divided among the other ones of said identical processes that are using the resource at a rate at or above the predetermined amount.

Such features as now included in claim 6 are not taught or suggested by Freeman et al. or by Chintalapati et al., alone or in combination.

Presently pending independent claim 12 has been amended in a manner similar to the amendments made to claim 6, and thus it is patentable for similar reasons as those provided above for claim 6.

The presently pending dependent claims under rejection are patentable due to their respective dependency to one of the presently pending independent claims discussed above, as well as for the specific features recited in those dependent claims.

Conclusion

Since all of the issues raised in the final Office Action and the Advisory Action have been addressed in this Amendment and Reply, this application is believed to be in condition for allowance, and an early indication of allowance is respectfully requested.

Respectfully submitted,

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HEWLETT-PACKARD COMPANY
Customer No.: 022879

By Phillip J. Articola

William T. Ellis
Registration No. 26,874

Phillip J. Articola
Registration No. 38,819